

**REMARKS**

Claims 1, 2, 5 - 9, 11, 12, 14 - 17, 21, 24 - 29, and 31 - 36 are pending. Claims 3, 4, 10, 13, 19, 20, 22, 23, and 30 were previously cancelled without prejudice in a response dated November 25, 2002. The Final Office Action mailed on February 24, 2003 rejected the pending claims. Claim 18 was objected to in the same Final Office Action.

Subsequently, the application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office that placed the application in condition for allowance. The entire delay from the due date for the required reply until the filing of this reply was unintentional. The Applicant is concurrently filing a Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b), and a Request for Continued Examination (RCE) under 37 CFR 1.114 along with a copy of this amendment.

Claims 7, 28, and 35 are amended to better describe the present invention. For the reasons discussed in detail below, Applicant submits that the pending claims are now patentable over the art of record.

**Rejections under 35 USC 112**

The Office Action rejected Claim 7 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. In particular, the Office Action states that it is not clear whether



data to the display tablet. Thus, for example, Nahi states that “a base computer system ... generates predetermined graphics data” (col. 3, lines 57-60); and that “graphical data may be efficiently transferred from the local host computer system to the portable display tablet” (col. 4, lines 27-30). When discussing the software of the portable display tablet in detail, Nahi describes software modules that are used for receiving graphical information (col. 14, line 59 - col. 15, line 15), sending “keyboard, pointer and touch screen ... information” (col. 18, lines 30-39), but not for sending graphical information from the display tablet to the host computer. However, the second data, as defined by claim 1, is sent by the mobile terminal and received by the display device.

Therefore, Nahi does not disclose any second data which comprises graphical information, as defined by claim 1. As Nahi does not disclose second data neither does it disclose a mobile terminal including a transmitter for transmitting the second data, nor a display device including receiver for receiving the second data.

Independent claim 28 also recites “second data comprising graphical information” and includes the action of “transmitting the assembled second data from said mobile terminal to said external display device.” Nahi does not disclose these limitations. For the reasons described above Nahi does not disclose sending any graphical information from a mobile device to an external display device.

Independent claim 35 also recites “second data comprising graphical information.” Furthermore, independent claim 35 is directed to “[a] mobile terminal comprising: ... a transmitter

for transmitting the second data to an external display device.” Therefore, claim 35 also requires that the graphical information comprised in the second data be sent by the mobile terminal to the external display device. For the reasons provided above, this limitation is not disclosed by Nahi.

Although the Office Action observed that Nahi does not disclose a means for splitting the first and second data (2/24/03 action, page 3), however, the Office Action asserted that Wharton does disclose the splitting means limitation. Applicant respectfully disagrees.

Citing Wharton, the Office Action states that “the set-top transceiver receives ... first display control signal and second display control signal” and that “the set-top transceiver device ... receives signals from the server ... and broadcasts a first display signal to the mobile interface device and transmits a second display signal to the interactive terminal 14” (2/24/03 action, page 3, lines 5-12). The Office Action takes this as evidence that Wharton discloses the splitting means of claims 1 and 35 and the splitting action of claim 28. However, claims 1 and 35 require that the splitting means be comprised by the mobile terminal, and claim 28, as amended, recites that the action of splitting the first and second data be performed by the mobile terminal. On the other hand, the text cited by the examiner and reproduced above shows that if Wharton teaches any splitting, this splitting is performed by the set-top transceiver and not by a mobile terminal, clearly. The set-top transceiver is not a mobile terminal. The term “set-top” designates a stationary piece of equipment. Also, Figures 1 and 2 of Wharton show that the set-top transceiver 16 (marked as “settop box” in the figures) is connected by cables to a server 18 and to a television set 14. Therefore, the set-top transceiver is not a mobile terminal.

Thus, Wharton does not disclose a splitting means which is comprised in the mobile terminal, as recited in claims 1 and 35, nor does it disclose a splitting action which is performed by the mobile terminal, as recited by claim 28.

Furthermore, Wharton fails to disclose second data comprising graphical information being sent by the mobile terminal to the display device. It was shown above that this limitation is not disclosed by Nahi. It is not disclosed by Wharton either, as Wharton also describes a system in which the mobile device may receive graphical information, but does not send any graphical information out.

Wharton shows various communications between a settop box 16, a server 18, and a mobile device (PDA) 12 in Figures 4-7. The communications involve sending a user input, such as "Action: #1" (Figure 4), or "Action: K" (Figure 6) from the mobile device towards the settop box and the server. The communications also include sending "Show Description Screen" (which may include graphical information) from the server towards the mobile device. However, Wharton does not teach the mobile device actually sending out graphical information to a display device. Therefore, Wharton does not disclose a second data comprising graphical information as recited by claims 1, 28, and 35.

For the above discussed reasons, Nahi and Wharton taken alone or in combination fail to disclose matter recited by independent claims 1, 28, and 35 in two significant aspects:

(i) they fail to disclose a second data comprising graphical information which is sent from a mobile terminal to a display device, and

(ii) they fail to disclose a splitting means included in the mobile terminal, or a splitting action performed by the mobile terminal.

Adding these two features to the systems described by Nahi and Wharton would not be obvious to a person skilled in the art. Nahi and Wharton essentially describe user interface devices. That is, they describe devices which may show content to a user and may take input from the user, but they do not perform any sending of graphical content or processing (such as splitting) thereof. Modifying the systems of Nahi and Wharton to fit the present invention would require very significant changes of these systems, including changing the connections between the various elements, providing the mobile device with additional circuitry and/or software to handle the splitting of received data, etc. But most importantly, modifying the mobile device in this manner requires a significant change of thinking, as Nahi and Wharton consider their mobile devices to be merely user interfaces, wherein in the present invention the mobile terminal takes active part in the processing and relaying of graphical information.

Nahi and Wharton do not include any suggestions for making such modifications of their mobile devices. On the contrary, Nahi teaches away from the present invention by repeatedly stating that it is preferable that its portable device performs as few functions as possible in order to be affordable. Thus, Nahi states that "another advantage of the present invention is that only a relatively small, cost efficient embedded controller need be implemented in the portable display

tablet” (col. 4, lines 35-38). In addition, Nahi states that “in the preferred embodiment, the operation of the display tablet is strictly limited to the terminal display of graphic and related data” (col. 10, lines 2-4). In view of these teachings, a person of skill in the art will not seek to increase the complexity of the display tablet, by adding functionality for processing (splitting) graphical data, and sending graphical data out to an external display device.

Furthermore, Nahi teaches away from using an external display device in combination with a thin client, such as a mobile device. Thus, when describing the related art, Nahi lists several disadvantages of using network computers (NCs) with external display devices, such as television sets (col. 2, lines 30-62). Therefore, when a person of skill in the art considers Nahi he/she will be discouraged from creating a mobile device which sends graphical information to a display device, as recited by independent claims 1, 28, and 35.

Wharton does not include any suggestions or motivation for modifying its system in a manner consistent with the present invention. Figures 1 and 2 of Wharton show that Wharton teaches a connection between the source of graphical information (the server 18) and the external display device (television set 14), which does not pass through the mobile device 12. Since in Wharton the source of graphical information and the external display are always connected independently of the mobile device, Wharton provides no suggestion to use the mobile device for relaying or processing (such as splitting) of graphical information.

Dependent claims 2, 5 – 9, 11, 12, 14 – 18, 21, 24 – 27, 29, 31 34 and 36 are allowable, because they depend from independent claims 1, 28, and 35 which are allowable for the reasons discussed above.

### CONCLUSION

In view of the above, Applicant respectfully submits that Claims 1, 2, 5 – 9, 11, 12, 14 – 18, 21, 24 – 29, and 31 – 36 are now in a condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

If the Examiner believes that contact with Applicant's attorney would be advantageous toward the disposition of this case, the Examiner is herein requested to call Applicant's attorney at the phone number noted below.

Dated: July 28, 2004

Respectfully submitted,

By 

John W. Branch

Registration No.: 41,633

DARBY & DARBY P.C.

P.O. Box 5257

New York, New York 10150-5257

(206) 262-8900

(212) 753-6237 (Fax)

Attorneys/Agents For Applicant